## MUST FACE

ate's Application for of Habeas Corpus nied by Court.

D TO CUSTODY THE TEXAS SHERIFF

Give Notice of Apd Bond Is Fixed at \$40.000.

t, Mo., May 15.—H. Clay man of the board of the Oil company, was today the custody of Sheriff Texas to answer to an in-inging perjury, by a deci-d this morning by Judge he United States Circuit

plication of Mr. Pierce for a writ of habeas corpus.

Mr. Pierce is wanted in Texas to answer to an indictment charging perjury in an affidavit made by him in May. 1900, to the effect thet the Waters-Pierce Oil company was not a party to any pool, trust, confederation or combination in restraint of trade.

After Judge Adams had read his decision. Attorney Priest immediately asked that the execution of the court's order be delayed till 2 o'clock this afternoon to enable him to decide whether to make an appeals or directly to the United States court of appeals or directly to the United States court of appeals or directly to the United States Supreme Court. Judge Adams granted the request.

State Wants Bond Raised.

State Wants Bond Raised. Attorney Barclay, representing the State of Texas, asked that the court increase the bond of \$10,000, under which Pierce was released from easted when he was surrendered on May 8, but Judge Adams stated that the bond would remain at that amount until 2 o'clock this afternoon. Mr. Pierce had little to say as he left the court-

### COFFEE

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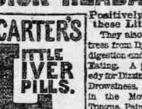
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The decision continued:

"Such are the more recent expressions of the Supreme Court of the United States on this question. They amount to this, that while every precaution must be taken to fairly and fully apprise the accused of the nature and cause of the accusation against him, so as to enable him to make his defense and plead the judgment which may be rendered in the case for his protection against another charge for the same offense, and thereby protect him to the full in his constitutional right to a fair and impartial trial, no impracticable or useless standards of technicality or refinement, which tend to defeat justice or embarrass its administration should or embarrass its administration should be adopted. Such is also the statutory law of Texas—'an indictemnt for any offense against the peual laws of this State shall be deemed sufficient which charges the commission of the offense in ordinary and concise language in such a manner as to enable a person of common understanding to know what

Basis of the Decision.

"In the light of the foregoing and reasonable rules it would seem that if a president of a corporation, whose duty it was as its chief executive to know what kind of an agreement his company had made, should, pursuant know what kind of an agreement his company had made, should, pursuant to a law requiring him to so, make an substance of an offense within the



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Genuine Must Bear Fac-Simile Signature

affadavit that his company was not, on a given day, a party to any agreement with any other company to fix the with any other company to fix the price or limit the production of an article of manufacture, the affiant could hardly say, when charged with false swearing in that particular, that he could not understand the nature of the charge; that its meaning was not apparent to common understanding; that it was only the expression of an opinion without knowledge of its meaning, when taken in connection with the ing, when taken in connection with the law governing the same.

meaning of the axtradition laws of the United States.

"It is argued that, because the indictment was not found within the year after the commission of the offense, prosecution for it is barred by the statute of limitations. That argument is without merit. It may turn out to be true that the petitioner has been absent from the State of Texas, during a part of the time, since 1900. If so, the duration of such absence would not be included in the period of limitation.

Clearly Stated.

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"After a careful consideration of the argument of counsel for both sides, the conclusion is irresistable that the substance of an offense is found in the indictment, and that jurisdiction rests alone with the courts of the demanding

alone with the courts of the demanding States to pass upon any question which may arise in its consideration and trial. The prisoner must be remanded, and it is so ordered."

When the court re-convened at 2 o clock Attorney Priest gave notice that two appeals would be taken from the decision of Judge Adams, one to the United States given the court of an experience of the court of a the United States circuit court of appeals, and one to the United States Supreme Court. The court then admitted Pierce to bond in the sum of \$20,000 on each appeal.

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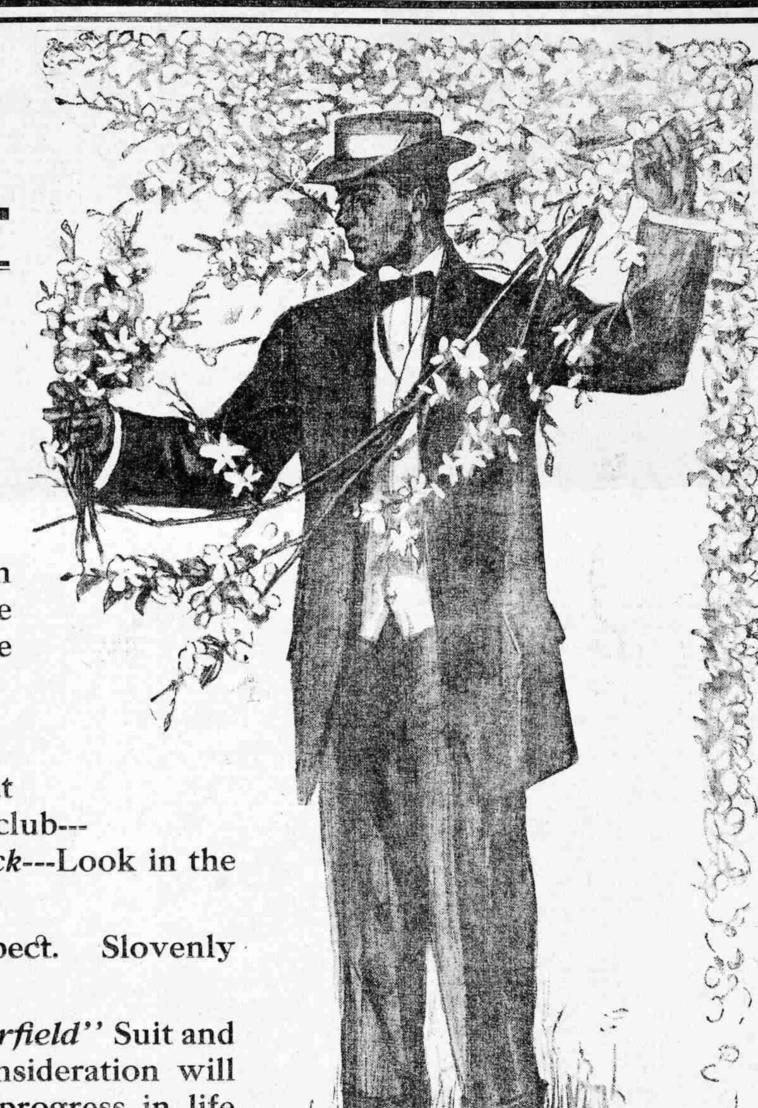
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